

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #00-255(SWMB)

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND PUBLIC COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from December 1, 2000 through January 1, 2001, on IDEM's draft rule language. IDEM received comments from the following party:

Mr. Craig Hogarth, Heritage Environmental Services, LLC (HES)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: Regarding proposed 329 IAC 3.1-6-6(2)(A): Heritage is clarifying that we will follow the extraction procedure for the toxicity characteristic leaching procedure (TCLP) as modified as described in Appendix D of our petition to delist. (HES)

Response: IDEM agrees with this clarification. The modification to the TCLP extraction procedure was originally submitted as confidential business information, and was resubmitted later without the confidentiality claim. This modification involves deoxygenation of the extraction fluids. The modified procedure has been made a part of the draft rule.

Comment: Regarding proposed 329 IAC 3.1-6-6(7)(A): Heritage believes that the Subtitle D landfill meets the ground water monitoring requirements of 329 IAC 10-21. We are seeking clarification on whether or not statistics are required as required by Table 1A but not required for Table 1B. Heritage desires clarification as to whether or not these constituents are part of the solid waste permit issued to the facility or part of the exclusion. (HES)

Response: The constituents listed in 329 IAC 10-20-15(a), Table 1A, are to be included in the detection monitoring program and are subject to the statistical evaluation procedures described in 329 IAC 10-21-6. The constituents listed in 329 IAC 10-20-15(b), Table 1B, are to be included in the detection monitoring program but are exempt from the statistical evaluation procedures described in 329 IAC 10-21-6.

Comment: Regarding proposed 329 IAC 3.1-6-6(7)(C): Heritage believes that the constituent cyanide is not appropriate for ground water monitoring. Heritage analyzed and did not detect cyanide in the electric arc furnace dust. We have a similar concern with vanadium. Our experience at the landfills indicates that naturally occurring arsenic will be present in ground water samples above the specified limit. These background values automatically trigger a notification to the (IDEM) under the draft rule. We are unsure whether these constituents (antimony, beryllium, nickel thallium or vanadium) will be present at naturally occurring concentrations above the specified limits. Heritage is uncertain whether the practical quantitation limit for thallium can routinely be met using the standard metal analysis instrumentation for ground water analysis. (HES)

Response: Ground water monitoring for constituents in addition to the requirements of 329 IAC 10-21 is not required. The constituents referred to in these comments are part of language included in the rule for consistency with the U.S. Environmental Protection Agency proposed rule at paragraph (5), “Reopener Language” (65 FR 75905). This paragraph provides that if, at any time after disposal of the waste, Heritage or Nucor possesses or becomes aware of any data indicating that the concentration of any listed constituent in the ground water exceeds the maximum allowable point of exposure concentration predicted for that constituent, then Heritage or Nucor must notify IDEM of that exceedence in writing within ten (10) days. The EPA proposed rule references the EPA Composite Model for Leachate Migration with Transformation Products (EPACMTP), a part of the Delisting Risk Assessment Software Program (DRAS), used to predict the risks associated with delisted wastes. Because it is impractical to incorporate by reference the EPACMTP model, IDEM has calculated these levels and placed them in the draft rule as Table 2. Table 2 is not part of the ground water monitoring program in 329 IAC 10-21. Cyanide will be removed from Table 2. The requirements referred to in these comments will be moved to a separate subdivision.

Comment: Regarding proposed 329 IAC 3.1-6-6(8): Heritage desires to have the capability to landfill the excluded waste in either the Subtitle D or the Subtitle C facility located in Roachdale, Putnam County, Indiana. (HES)

Response: Disposal of the treated electric arc furnace dust (EAFD) in either cells permitted under 329 IAC 10 or cells permitted under 329 IAC 3.1 is authorized. Disposal in the “Subtitle D” facility must comply with 329 IAC 10 and IC 13-20-7.5. Disposal in the “Subtitle C” facility must comply with 329 IAC 3.1. The draft rule will be revised to clarify where disposal is authorized.

Comment: Regarding proposed 329 IAC 3.1-6-6(10): Heritage does not understand the prohibition on alternate daily cover. We believe the prohibition is too restrictive. Under the circumstances, Heritage believes that certain types of daily cover (e.g., chipped tires, tarps, etc.) may not be appropriate, however, other types of daily cover (e.g., petroleum contaminated soils, slag, etc.) would be acceptable in lieu of natural soil cover. Acceptable alternative daily cover for excluded waste should be identified as part of a permit modification for the landfill. (HES)

Response: Heritage Landfill is currently permitted for use of a number of materials as alternative daily cover. Several of these materials are not appropriate for use with the treated EAFD. The draft rule will be amended to allow use of alternative daily cover materials that are specifically approved for use over the treated EAFD.